UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Rocky Contreras,
Plaintiff-Appellant,

v.

Local 46 International Brotherhood
of Electrical Workers; et al.,
Defendants-Appellees.
DC No. CV-99-01051-JCC

No. 00-35214

Decided on December 15, 2000

OPINIONS AND/OR ORDER OF THE COURT

TORTT, GRABER, and McKEOWN, Circuit Judges

Rocky Contreras, appellant in No. 00-35214, appeals from the judgment of the United States Court of Appeals for the Ninth District upholding the dismissal of the United States District Court, Western District of Washington at Seattle. Rocky Contreras complains that the District Court, Western District of Washington at Seattle, improperly dismissed the case. Because appellant concludes that the applicable Constitutional right for a fair hearing, as interpreted by appellant, is a permissable interpretation of that constitutional right.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Rocky Contreras,
Appellant,

v.

I.B.E.W. Local #46, et al,
Appellees.
No. C99-1051C

Decided on February 17, 2000

JUDGEMENT IN A CIVIL CASE

COUGHENOUR, Judge

Decision by Court. The Court finds that the plaintiff's repeared failure to meet his responsibilities to the defendants and to the court in this case justifies the requested santcion of dismissal. The motion is granted and the case is dimssed without prejudice.

Appellant Rocky Contreras files appeal on this action

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Rocky Contreras,
Appellant,

v.

I.B.E.W. Local #46, et al,
Appellees.
No. C99-1051C

Proceedings

6/30/99	Certified jcopy of transfer order and docket sheet received from District of Arizona (Phoenix)
7/12/99	ANSWER to complaint by defendant Local 46 IBEW, defednat Brett Olsen
7/14/99	MOTION by plaintiff to submit evidence of work related alienation and/or ostracism as related to the issue pending against defendants not noted; placed on calendar for 8/6/99
7/19/99	NOTICE OF HEARING: status hearing set for 9:00, 9/21/99
7/19/99	ORDER re: DISCOVERY and DEPOSITIONS by Chief Judge John C. Coughenour

7/22/99	MOTION by Plaintiff Rocky Contreras for extended time to submit ro hac vice application NOTED FOR 8/6/99
8/6/99	MOTION by plaintiff for order requesting the USDC to grant the plaintiff's permission to submit a diary as evidence against defendants NOTED FOR 8/27/99
8/20/99	MOTION (REQUEST) by plaintiff Rocky Contreras to submit physical evidence/letter dated 10/8/99 addressed to "all concerned IBEW Local Unions"
8/26/99	MOTION by plaintiff Rocky Contreras to continue status conference from 9/21/99 to 12/21/99 NOTED FOR 9/17/99
9/7/99	ORDER by Chief Judge John C. Coughenour. Plaintiff has brought several motions asking to be allowed to submit various pieces of evidence in support of his claims. As there is no proceeding pending in which sumission of evidence could be an issue, the Court denies these motions. Plaintiff has also requested a postponement of the 9/21/99 status conference. This motion is denied. The plaintiff may participate in the status conference by phone.
9/7/99	NOTICE OF FILING by plaintiff regarding motion to reschedule status conference

9/8/99	MOTION by defendants for sanctions NOTED FOR 9/24/99
9/8/99	NOTICE OF COMPLIANCE by plaintiff re: motion for sanctions
9/8/99	MEMORANDUM by defendants in support of motion for sanctions
9/8/99	LODGED ORDER: re motion for sanctions
9/21/99	MINUTES/STATUS CONFERENCE: Pretrial and trial scedule is set for jury trial 11/13/00; retrial order ddl 11/3/00. Pleading amendment / 3rd party action 12/6/99; 39.1 designation effective 10/2/00; trial bried ddl 11/8/00; Voir dire, jury instructions 11/8/00
10/12/99	MOTION by plaintiff Rocky Contreras for 3 month extension to Rule 16 in completing discovery and filing dispositive motions in order to allow NAACP adequate time to review this civil matter NOTED FOR 10/29/00, motion not noted, letter sent.
10/14/99	RESPONSE by defendant re: motion to continue status conference from 9/21/99 to 12/21/99
10/21/99	PRAECIPE: by plaintiff Rocky Contreras re: motion for 3 month extension to Rule 16 in completing discovery & filing dispositive motions in order to allow NAACP adequate

	time to review this civil matter
11/2/99	REPLY (ARGUMENT) by plaintiff to RESPONSE to motion for 3 month extension to Rule 16 in completing discovery & filing dispositive motion in order to allow NAACP adequate time
11/10/99	MAIL RETURNED: re motion reply addressed to Rocky Contreras
11/15/99	ORDER by Chief Judge John C. Coughenour. The Court GRANTS defendant's motion for sanction and awards the following sanctions: 1) the plaintiff is ordered to pay the defendant's attorney costs and attorney time incurred in traveling to the deposition. Costs and fees are identified in the Declaration of David Hannah filed 9/8/99. 2) plaintiff is ordered, within 10 days from the date of this Order, to confer with the defendant's attorneys and establish a mutually convenient time for the plaintiff's deposition to be held in Seattle before 1/31/00. Failure to comply with this order, or failure to appear at the deposition in Seattle will be grounds for the Court to dismiss this case.
11/30/99	MOTION by plaintiff for order to recuse JCC due to bias/prejudice directed to plaintiff

12/13/99	MOTION by plaintiff to lift erroneous sanction, the sanction was proposed and/or ordered by the judge due to bias, prejudice and erroneous assumptions dated 11/15/99 NOTED FOR 12/31/99
12/14/99	ORDER by Judge Barbara J. Rothstein DENYING plaintiff's motion for order to recuse JCC due to bias/prejudice directed to plaintiff
12/30/99	MOTION by plaintiff for order for request for admission Civil Rule #36 NOTED FOR 1/14/00
12/30/99	PROPOSED Motion for an Appeal filed by Rocky Contreras. Lodged per direction of Law Clerk, E. Sargeant
1/4/00	MOTION, MEMORANDUM, & DECLARATION of David Hannah by defendants to dismiss NOTED FOR 1/28/00
1/4/00	LODGED ORDER: re: motion to dismiss
1/7/00	NOTICE by defendants that the following is NOTED FOR 1/28/00
1/14/00	MOTION by plaintiff for reconsideration / appeal to the order denying plaintiff's motion to recuse

1/20/00	MOTION by plaintiff to reschedule jury trial date NOTED FOR 2/4/00
1/24/00	MOTION by plaintiff for transfer case back to USDC Arizona NOTED FOR 2/11/00
1/27/00	MOTION by plaintiff for order regarding discovery procedures depositions NOTED FOR 2/11/00
2/14/00	MOTION/NOTICE OF FILING by plaintiff re motion to transfer matter to USDC in Arizona NOTED FOR 3/3/00
2/17/00	ORDER by Chief John C. Coughenour GRANTING defendant's motion to dismiss [49-1] without prejudice; plaintiff's pending motion are stricken as moot
2/17/00	JUDGMENT by court finding plaintiff's failure to meet his responsibilities to the defendants and to the court in this case justifies the requested sanction of dismissal. The motion is granted and the case is dismissed without prejudice.
2/17/00	NOTICE OF APPEAL by plaintiff Rocky Contreras from District Court decision [59-1]
3/1/00	APPEAL NOTIFICATION packet sent to CCA

U.S. DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
(PHOENIX)

Rocky Contreras,
Plaintiff,

v.

Internation Brotherhood of Electrical Workers Local 46; Brett Olsen,
Defendants.
CIV 98-2239-PHX-SMM

PROCEEDINGS

12/15/98	COMPLAINT FILED
12/15/98	MOTION to proceed in forma pauperis by plaintiff Rocky Contreras
12/17/98	ORDER by Judge Stephen M. NcNamee denying motion to proceed in forma pauperis by plaintiff Rocky Contreras
12/21/98	MOTION for reconsideration of plaintiff's Application for leave to proceed in forma pauperis by plaintiff Rocky Contreras
3/5/99	MOTION to extend time to present all of the evidence/documentation re: In Forma Pauperis status by plaintiff Rocky Contreras

3/11/99	ORDER by Judge Stephen M. McNamee granting motion for reconsideration of plaintiff's Application for leave to proceed in forma pauperis by plaintiff Rocky Contreras [4-1]; Vacating Court Order [doc.#3]. Case reopened
3/11/99	ORDER by Judge Stephen M. McNamee: pemission to proceed IFP is granted; cys of summons, complaint and order be served at Gvt expense upon defendants
4/13/99	USM 285, summons/notice/complaint/order, forwarded to USMS this date for two defendants, Internation Brotherhood of Electric Workers Local 46 and Brett Olsen
5/17/99	MOTION, MEMORANDUM IN SUPPORT, and DECLARATION to transfer case to the United States District Court for the Western District of Washington at Seattle by defendant Local 46 IBEW, defendant Brett Olsen
5/28/99	RESPONSE (titled ANSWER) and MEMORANDUM by plaintiff Rocky Contreras to defendants motion to transfer case to the United States District Court for the Western of Washington at Seattle by defendants Local 46 IBEW, and Brett Olsen
6/17/99	ORDER by Judge Stephen M. McNamee denying as moot motion to extend time to

present all of the evidence/documentation re: In Forma Pauperis status by plaintiff Rocky Contreras [5-1], denying as moot motion to extend time to present evidence and wait for an Answer by plaintiff Rocky Contreras [8-1], denying as unnecessary motion for consideration for titled and/or name change by plaintiff Rocky Contreras, in re to the Court's Order granting IFP and the proper name/title of this action, denying as unnecessary motion for consideration allowing the plaintiff to correct an error dated 4/9/99 in regards to the Motion and Order plaintiff submitted by plaintiff Rocky Contreras [10-1], denying as unnecessary motion for consideration to correct both the defendant's titled and/or name as mentioned in the original complaint dated 12/15/98, and in the Court Order dated 3/11/99, granting IFP by plaintiff Rocky Contreras [11-1]FURTHER ORDERED granting motion to transfer case to the United States District Court for the Western District of Washington at Seattle by defendant Local 46 IBEW, defendant Brett Olsen [13-1] Case transferred Western District of Washington

6/28/99 ORIGINAL file, certified copies of transfer order and docket sheet and transmittal letter mailed to Western District of Washington